

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL WAVE 2 CASES

**PLAINTIFFS' MOTION TO LIMIT THE OPINIONS AND TESTIMONY OF TIMOTHY
MCKINNEY, M.D.**

Plaintiffs, in actions listed on attached Exhibit A, pursuant to Federal Rule of Evidence 702, 403, 104 and *Daubert v Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993) and its progeny, hereby submit Plaintiffs' Motion to Limit the Opinions and Testimony of Timothy McKinney, M.D. Defendants have designated Dr. McKinney to offer general causation opinions on their TVT and TVT-O products despite the fact that Dr. McKinney is offering opinions that are: (a) irrelevant or prejudicial in that they may confuse or mislead the jury; (b) speculative and unsupported by the medical literature or his experience; or (c) outside of Dr. McKinney's area of expertise. The Court should exclude certain opinions of Dr. McKinney for the reasons more fully explained in the accompanying Memorandum. Plaintiffs also rely on the following attached exhibits:

1. A copy listing all cases to which this Motion applies is attached hereto as **Exhibit A.**
2. A true copy of the Expert Report of Timothy McKinney, MD on TVT is attached hereto as **Exhibit B.**

3. A true copy of the Curriculum Vitae: Timothy Brian McKinney, M.D. is attached hereto as **Exhibit C**.
4. A true copy of the Deposition of Timothy B. McKinney, M.D. dated June 29, 2016 is attached hereto as **Exhibit D**.
5. A true copy of Ford AA, et al., Mid-urethral sling operations for stress urinary incontinence in women (Review), Cochrane Database of Systematic Reviews, Issue 7 Art. No.: CD006375 (2015) is attached hereto as **Exhibit E**.

As set forth in Plaintiffs' Memorandum of Law in Support of Motion to Limit the Opinions and Testimony of Timothy McKinney, M.D., Plaintiffs request the Court grant this Motion in its entirety thereby excluding or limiting the testimony of Dr. McKinney.

Dated: July 21, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2016, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

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